

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 8, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Kauai

Mutual Cancellation of General Lease No. S-5561 to Pamela Kay Grant, Kalaheo, Koloa, Kauai, Tax Map Key: (4) 2-4-01: 05 & 2-4-02: 01.

APPLICANT:

Pamela Kay Grant

LEGAL REFERENCE:

Section 171-6, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government Land and Spring Reserve in Kalaheo Homesteads, Kalaheo, Koloa, Kauai, identified by Tax Map Key: (4) 2-4-01: 05 and 2-4-02: 01, as shown on the attached map labeled Exhibit A.

AREA:

1.76 acres, more or less.

ZONING:

State Land Use District:	Agricultural
County of Kauai CZO:	Agricultural

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Pasture purposes.

LEASE TERM:

Fifteen (15) years

COMMENCEMENT DATE:

December 2, 1998 and expire on December 1, 2013

ANNUAL RENT:

\$50.00 per annum

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

Last and only rental reopening conducted on December 2, 2008.

PERFORMANCE BOND:

Twice the annual rental amount.

REMARKS:

A public auction was held on December 2, 1998. The successful bidder was Pamela Kay McCoy (now Pamela Kay Grant). General Lease No. S-5561 was issued for a term of fifteen years, commencing on December 2, 1998 and expiring on December 1, 2013.

In a letter dated September 24, 2009, Ms. Grant explained that she wanted to cancel General Lease No. S- 5561 due to hardship. The County of Kauai, Department of Water waterline break demolished her fencing. The Department of Water has refused her claim. The cost of equipment and liability insurance has made it difficult because of employment cutbacks. (see Exhibit B)

A review of the file indicates: Rent is paid to June 1, 2010. Still owing is \$125 in late fees. Tenant has been informed that payment needs to be made before the mutual cancellation document is signed by the Department. Insurance expires on August 24, 2010. Tenant has deposited a \$313 savings passbook.

Staff has no objections to the mutual cancellation request.

RECOMMENDATION: That the Board:

1. Authorize the mutual cancellation of General Lease No. S-5561, Pamela Kay Grant, Lessee, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein, and further subject to the following:
 - A. The standard terms and conditions of the most current mutual cancellation lease document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Tommy Oi
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





53563

GL 5561

PAMFI A GRANT

KOLOA, HAWAII 96756

DEPARTMENT of LAND
and NATURAL RESOURCES
FISCAL OFFICE
P O BOX 621
HONOLULU, HAWAII 96809-0621

September 24, 2009

In regards to the current situation on State Lease #GL5561, Pending since 2007. Due to a break in the water line, causing a land slide and 2/3 of the fence line removed. Since then the State Lease is unusable and now over grown. It will require large machinery to bring it back to its original state. At the time the damage occurred I responded in a timely manner to the State and the County Water Department. After the debris removal, I installed a temporary fence on the property line. That fence line was removed by the owner of the adjoining property. Three bids for replacement of fencing were submitted to the County Water Department and the State. Several follow-ups were also made on behalf of myself. In regards to The Water Dept. I feel that they are responsible for the replacement of the fence lines. This has been an on going battle that appears that I am at the losing end.

At this point and time I regret that its unaffordable for my self to aquire the equipment required and Insurance because of emplyment cut backs. Enclosed check # 7047 for the rent payment. I greatly regret that I may have to give up this lease. Location and freinds that live up Kikala and Wa Wae Rd. will truly be missed.

Thank you,



Pam Grant

10/26 cy: KDLO

RECEIVED
STATE PARKS

OCT 19 P 3:20

DEPT OF LAND &
NATURAL RESOURCESDEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2009 OCT 26 A 9:49

RECEIVED
LAND DIVISIONDEPT OF LAND &
NATURAL RESOURCESRECEIVED
ADMIN. SERVICES DIV.
2009 OCT 13 P 2:35
PM 2:23:08

OCT 27 '09

DLNR KDLO RCVO

EXHIBIT "B"